ANDOVER BOARD OF HEALTH

Minutes January 7, 2008, 6 P.M. 1st Floor Conference Room 36 Bartlet Street

The Board of Health meeting was called to order at 6:04 p.m. Present were Ms. Candace B. Martin, Chairman, Dr. Donald H. Miller, Vice-Chairman, Ms. Margaret N. Kruse, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

• December 10, 2007

Motion by Ms. Martin, seconded by Ms. Kruse to approve the Minutes of the Meeting of December 10, 2007 with the following corrections.

- o On page 2, in the first paragraph, add "due to conflict of interest." to the end of the last sentence.
- o On page 2, under **IV.** Old Business, Stormwater ByLaw (Not on Agenda), combine the first two sentences by adding to the end of the first sentence ":with the following change that".
- o On page 3, under Salt Shed Update, first sentence, change "Claire Golden" to "Claire Golden from MDEP".
- On page 6, under last bullet, Childhood Diabetes (Not on Agenda), in the first sentence, change "1/3 of all children are now reported to have diabetes." to "1/3 of today's children are expected to develop diabetes."

Unanimous approval.

II. Appointments & Hearings

• 6:00 p.m. – Sunday's General Store – Sale of Tobacco Product to a Minor (2nd Offense) – Present were Mr. Ron Beauregard, Director of the Healthy Communities Tobacco Control Program, Mr. Chon, owner of Sunday's General Store, and Carol Murphy, Mr. Chon's employee. Mr. Beauregard informed the Board that on December 15, 2007 he sent a fifteen year old female into Sunday's General Store to attempt to purchase a package of cigarettes. The youth followed all standard operating procedures, including having no ID, and returned with a package of Newport cigarettes. This is the second offense within a one year period which requires a \$200 fine, up to a seven (7) day suspension of the establishment's tobacco license, and a Hearing with the Board of Health. The first offense was on April 18, 2007.

Ms. Murphy admitted that she made the mistake. She thought the youth was the same person who had been into the store a few days earlier who Ms. Murphy had

sent away to get proper ID. Ms. Murphy further admitted that she was on the phone and distracted at the time. Mr. Chon explained that he was the primary worker and used Ms. Murphy to fill in for him for short periods of time, so she did not receive proper training, but was required to read the rules and regulations on her own. Ms. Murphy stated that she knew that she was supposed to check for ID for people who looked 27 and younger.

Ms. Kruse asked what steps Mr. Chon would take in the future to avoid another sale to a minor. Ms. Kruse suggested he look into purchasing a register that requires a birthdate to ring up the sale of tobacco. Mr. Chon suggested he could card everyone, but that would be inconvenient because he has a lot of the same customers daily.

Motion by Ms. Martin, seconded by Ms. Kruse to consider a three (3) day suspension to get the message through to all businesses that this charge is very serious. Discussion followed, and Dr. Miller stated that he didn't want the suspension to cause harm to Mr. Chon's business. Ms. Martin stated that people who Mr. Chon recognizes already have their wallets out and could easily furnish him with an ID. Mr. Chon agreed to ID everyone who looks 30 years old or younger. Vote taken, Ms. Martin, Nay, Dr. Miller, Nay, Ms. Kruse, Nay. All opposed.

After discussion and the reassurance that Mr. Chon promised to ID anyone 30 years of age or younger, regardless of whether they are frequent customers or not, the Board made another motion.

Motion by Ms. Martin, seconded by Ms. Kruse, to suspend the Retail Sale of Tobacco Products License for Sunday's General Store for one (1) day. Vote taken, Ms. Martin, Aye, Ms. Kruse, Aye, Dr. Miller, Nay. The vote was two to one in favor of the suspension. The day Mr. Chon picked for his suspension was Saturday, January 12, 2008.

Mr. Beauregard informed the Board that he is working on obtaining a grant for the purchase of signage and clocks promoting 27 and 18 as the ages to remember; that a clerk should ID anyone who looks 27 years of age and younger, and that the sale of tobacco to anyone under the age of 18 is illegal. Mr. Beauregard stated that he collects all the cigarette packages and that every so often the newspaper shows the pile as graphic, physical evidence of the money made from underage sales. Ms. Martin stated that that may be a good thing to show during Public Health Week.

III. Discussion

• N/A

IV. Old Business

• **Wyeth IBC Seat** – Mr. Carbone recommended that the Board approve the appointment of Dr. Stephen Loring as the new IBC Representative to Wyeth.

Motion by Ms. Martin, seconded by Dr. Miller, to appoint Dr. Stephen Loring as the new IBC Representative to Wyeth. Unanimous Approval. Mr. Carbone will send a letter to Dr. Loring telling him that he has been approved.

- Elements Massage Establishment Variance (Not on Agenda) Mr. Carbone informed the Board that he only received a couple of applications that needed to use the variance and the variance has now expired. He informed the Board that the State is taking over the licensing of Massage Therapists immediately, and was anticipating some requests for refunds. As of now, the Massage Establishments are still being licensed by the Town of Andover.
- Salt Shed Update Mr. Carbone informed the Board that he spoke with Clair Golden from MDEP and she stated that, since the site is used on a seasonal basis, they were considering using port-a-potties instead of a tight tank. Town Manager, Buzz Stapczynski, spoke with Mr. Carbone about the concerns in the Industrial Park business community if the Salt Shed is moved nearby. Other relocation sites have been ruled out because of the proximity to homes. Mr. Carbone will continue to update the Board.
- Safety of Andover's Municipal Facilities Ms. Martin informed the Board that the Town of Methuen was checking all its common grounds for safety after a gate fell on and killed a child. Ms. Martin asked if the Town of Andover is planning on doing something similar. Mr. Carbone stated that he would speak with the Town Manager about the possibility of doing inspections on common grounds.

V. Subdivision Definitive Plans

• N/A

VI. Plan Review

A. D.W.R.P. Variances/Local Upgrade Approval:

• N/A

B. B.S.I.P. – Ratify:

Ms. Kruse moved to ratify, seconded by Dr. Miller. The Board voted unanimously to ratify the following BSIP's:

522	South Main Street	TM	84	TL	11
66	Wildwood Road	TM	44	TL	25

Unanimous Approval

C. S.S.A.P – Recommend Approval:

Ms. Kruse moved to approve, seconded by Dr. Miller. The Board voted unanimously to approve the following SSAP's:

1	Ivana Drive	TM	86	TL	20
7	Ivana Drive	TM	86	TL	20
15	Ivana Drive	TM	86	TL	20
21	Ivana Drive	TM	86	TL	20

Unanimous Approval

D. S.S.U.P.- Recommend Approval:

Ms. Kruse moved to approve, seconded by Dr. Miller. The Board voted unanimously to approve the following SSUP:

94 Cheever Circle TM 20 TL 164

Unanimous Approval

E. B.S.R.P. – Recommend Approval:

• N/A

VII. Staff Reports

A. Director's Report:

- Public Health Student Intern Applications (Not on Agenda) Mr. Carbone informed the Board that he would be submitting an application to MDPH for an intern to come work with the Health Department to see the day-to-day work that goes on. Mr. Carbone stated that Community Development and Planning was interested in participating and having interns work on projects that the Board has discussed in the past, such as the risk-based food inspections for the Health Division and walking programs for the Conservation Division.
- Home Care, Inc.'s Agreement for 2008 (Original to be Signed) This contract is signed annually. They agree to help with all types of clinics, such as flu and blood pressure. This agreement allows us the opportunity to get help when volunteers are not available. So far we haven't had to pay them, but they have helped under other funding streams. They could also be used if the Health Division did not have its nurses available due to vacations or unexpected illness. Ms. Martin signed the agreement, Mr. Carbone will send the agreement to the Town Manager for his signature, and then will mail the document.

• Zostavax Clinics

- ° Tuesday, January 15, 2008
- ° Thursday, January 24, 2008

Mr. Carbone informed the Board that all 200 doses of Zostavax Vaccine will be depleted after the next clinics are over. The nurses are planning to apply for more grant money to purchase additional Zostavax Vaccine. There has been a great interest in this program and many more people are interested in getting the vaccine. Mr. Carbone also informed the Board that Letourneau's Pharmacy is starting a similar program, and would be billing insurance companies.

- Letter to Flu Clinic Volunteers (Not on Agenda) Mr. Carbone presented a letter thanking the volunteers for the 2007 Flu Clinics to be signed by all members of the Board of Health.
- **Annual Report (Not on Agenda)** Mr. Carbone informed the Board that the Health Staff would be working on the Annual Report.
- Health Code Inspection at 386 Lowell Street (In Correspondence) Mr. Carbone referred the Board to the pictures of the debris at 386 Lowell Street which poses a health hazard and can breed rodents and mosquitoes due to the filthy conditions. The property has since been sold, and the contractor will be demolishing the structures and doing the cleanup of the property.
- Food Service Violation at Andover High School (In Correspondence) Mr. Carbone explained that what happened was that a Math teacher at the Andover High School served pizza to the math team that was visiting. She had been told by the Health Division that she could not serve food without a ServeSafe certificate, but served the pizza anyway under the direction of High School Principal, Peter Anderson. Mr. Carbone was concerned that the policies are not clear enough and would like to find a way to get the correct information out to the public, since the regulations have become stricter over the years. Ms. Kruse suggested that putting some information out onto the Town of Andover website may help.
- **B.** Nurses' Report for December, 2007 The Nurses' Report for December 2007 were informational only.
- **C.** <u>Inspectors' Reports for December, 2007 –</u> The Inspectors' Reports for December 2007 were informational only.

VIII. Board Member Reports :

• N/A

IX. Adjournment

Motion by Ms. Martin, seconded by Dr. Miller, to adjourn at 7:38 p.m. Unanimous approval.